

DOCKET NO. 2013-_____ - T

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4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations.” 26 S.C. Code Regs. 103-133.4.a (Supp. 2011).

5. Pursuant to S.C. Code Ann. §58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2011), the public utilities subject to the Commission’s jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require the production of books, records and other information concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce. S.C. Code Ann. §58-4-55 (Supp. 2011).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2011), beginning January 1, 2005, ORS must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees and to collect such annual reports.

7. That the companies listed in Exhibit A failed to complete and submit gross receipts forms which were due on or before August 31, 2012, and are therefore currently not in compliance with statutes governing the regulation of motor carriers.

8. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor

carrier holding a Certificate of FWA is no longer furnishing adequate service..." 26 S.C. Code Ann. Regs. 103-240 (Supp. 2011).

9. That "the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter." S.C. Code Ann. §58-23-320 (Supp. 2011).

10. Pursuant to 26 S.C. Code Regs. 103-830 (B) (1), "If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition." In order to assist the Commission in serving this Petition on the Respondents, ORS has provided information in Exhibits A and B as to the status of each motor carrier.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State as of December 17, 2012. See Exhibit B, Affidavit of Dawn Hipp.

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2011);
4. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to submit the required gross receipts forms; and
5. For other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Telephone: (803) 737-0800
Fax: (803) 737-0895
E-mail: lhammon@regstaff.sc.gov

January 17, 2013
Columbia, South Carolina

Exhibit A
Docket No. 2013- -T
Rule to Show Cause Transportation Carriers Non-Compliant with Gross Receipts Filing 2012

January 14, 2013

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	Trega LLC	Apartment Movers, Etc.	Class E HHG	PO Box 1731	Mt. Pleasant	SC	29414	2001-261-T	2001-1007	12/18/2001	Good Standing

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013-__-T

January 14, 2013

IN RE: Petition of the Office of Regulatory)	
Staff for Commission to Order a)	
Rule to Show Cause as to Why The)	
Certificates of Public Convenience)	AFFIDAVIT OF
and Necessity for Certain)	DAWN M. HIPP
Motor Carriers Should Not be)	
Revoked)	


The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Dawn Hipp and I am employed by the Office of Regulatory Staff ("ORS") as the Director of Telecommunications, Transportation, Water and Wastewater.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by motor carriers that are subject to the jurisdiction of the PSC.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 5) On January 14, 2013, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Gross Receipts Forms have not been filed with ORS by the following motor carriers as of January 14, 2013: (Exhibit A)


EXHIBIT B

- 7) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.


DAWN M. HIPPI
Director
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 17th day of JANUARY, 2013

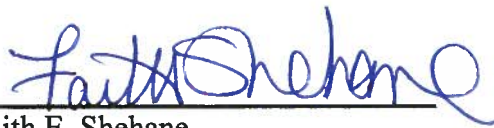

Notary Public for South Carolina
My Commission Expires: _____
FAITH SHEHANE
Notary Public, State of South Carolina
My Commission Expires 8/1/2022

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013- -T

IN RE:	Petition of the Office of Regulatory Staff for)	
	the Commission to Order a Rule to Show)	
	Cause as to Why the Certificates of Public)	CERTIFICATE OF
	Convenience and Necessity For Certain)	SERVICE
	Motor Carriers Should Not Be Revoked)	
)	

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION FOR A RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Trega LLC
d/b/a Apartment Movers, Etc.
PO Box 1731
Mt. Pleasant, SC 29414



Faith E. Shehane

January 17, 2013
Columbia, South Carolina